United Nations S/2003/978

Security Council

Distr.: General
10 October 2003

Original: English

Letter dated 7 October 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 18 July 2003 (S/2003/747).

The Counter-Terrorism Committee has received the attached third report from the Republic of Moldova submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-55388 (E) 151003

Annex

Note verbale dated 6 October 2003 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and, with reference to the letter dated 11 July 2003 from the Chairman of the Committee, has the honour to submit herewith the second supplementary report of the Republic of Moldova, which provides information on issues raised by the Counter-Terrorism Committee (see enclosure).

Enclosure

Second supplementary report of the Government of the Republic of Moldova to the Security Council Counter-Terrorism Committee (CTC) in response to the letter of the Chairman of the Committee dated 11 July 2003

1. Implementation measures

1.1 The CTC has agreed on further questions and comments for the consideration of the Government of Moldova with regard to the implementation of the Resolution, as set out in this section.

On 27 December 2001 the Republic of Moldova submitted to SC CTC of the UN the National Report regarding the measures undertaken by the Government to implement the provisions of the Security Council Resolution 1373 (2001). On 18 September 2002 Moldova submitted a supplementary report to the CTC responding to a number of preliminary comments/questions contained in the letter from the CTC dated 28 May 2002. In the letter dated 11 July 2003 the CTC Committee required supplementary information on the implementation process of the Resolution. This second supplementary report provides answers to those questions.

1.2 The effective implementation of the Paragraph 1 of the Resolutions requires appropriate legal and other measures to register, audit and monitor the collection and use of funds and other resources by charitable, religious, cultural and other associations, to ensure that they are not diverted from their stated purposes, in particular to the financing of terrorism. The supplementary report states (at page 9) that all organizations which are suspected of being linked to terrorist acts. This may not be adequate as some of these organizations could also themselves be operating clandestinely on behalf of terrorist groups. The CTC would be grateful to be informed of the steps which Moldova proposes taking in order to strengthen its existing measures with a view to implementing the terms of this paragraph more effectively.

Art.6 of the Law on Combating Terrorism stipulates that in addition to the authorities which unfold a direct activity on fighting terrorism, other public administration authorities can also participate in within their mandate. In this case National Bank, as a public authority, following coming into force, on 25 April 2002, of the Law on Preventing and Combating Money Laundering, through its decision (which is a compulsory normative act) demanded commercial banks to elaborate their internal policy regarding prevention and combating money laundering in accordance with official Recommendation of National Bank of Moldova "concerning elaboration by banks of the Republic of Moldova of the programs on money laundering prevention and fighting", which are displayed on website http://www.bnm.org. These Recommendations were elaborated in consideration with the stipulations of the Basel Committee document "Client's cognition for banks" dated October 2001, principle 15 from "The methodology of basic principals" dated October 1999 (which stipulate that bank's supervision has to determine if banks have policy, practices and procedures, inclusive strict rules on client's knowledge, which develop norms of ethic and professionalism in the financial sphere and prevent using of banks, in intentional mode, or by criminal elements), general accepted principles on the international level in the sphere of money laundering counteraction — 40 Recommendations of FATF, also stipulations of the Law # 633-XV concerning prevention and combating money laundering. Simultaneously, assistance was obtained for elaboration of the Recommendation from "Barents Groups" LLC — the KPMG consulting project and from the Office for Technical Assistance of the US Treasury Department.

The objective of these Recommendations is to compel banks to elaborate their own programs on preventing and combating money laundering, in order to enable them to attract legal resources from legal clients, with the aim to avoid afferent risks of money laundering, especially, certain risks of image, as well as operational, legal and informational technology risks. These Recommendations establish the basic principles for taking measures to prevent money laundering that could be universally applied. Also, these Recommendations reflect fundamental principles in this field to be implemented by banks resulting from individual specific features, institutional

structure, offering them a possibility to be flexible. Simultaneously, these Recommendations establish some requirements towards the rules "Know your client" which include, but are not limited to policies of client acceptance, policies on client's identification including of those who activate on their behalf, procedures regarding continuous monitoring of transactions made by clients and procedures on information holding and keeping, etc. (the compartment 6 of Recommendations "Know your client" is annexed — annex nr.1, 3 pages).

In order to examine the internal programs of commercial banks on preventing and combating money laundering and ensuring that the programs correspond to the legal provisions in force, the National Bank requested commercial banks to present these programs. After the examination of the programs on prevention and combating money laundering in commercial banks in the event of drawbacks existence, all of these banks were required to improve programs, in accordance with the legislation in force and the general-accepted practice in this field.

Within the framework of supervision, including the controls on spot, NBM verifies the existence, opportunity and implementation by commercial banks of their internal programs on money laundering prevention, including policy, practices and written procedures, and rules about clients cognition and staff training.

In case of drawbacks in implementing and following these policies, or failure to report the suspect transactions to relevant institutions, NBM, on the one hand imposes measures to rectify or remove these drawbacks, but on the other hand conveys this information to relevant institutions (more detailed information is on point 1.4).

Also, necessary modifications have been introduced in the normative acts of the National Bank of Moldova in order to curtail financing terrorism and prevent money laundering (Regulations concerning currency settlement on the territory of the Republic of Moldova from 13.01.1994, Regulations concerning organizing and function of exchange offices and exchange offices within the hotels on the territory of the Republic of Moldova, # 100018-20 dated 06.05.1994). The observance by exchange offices of legislation provisions in force of the Republic of Moldova, normative and instructive documents elaborated by the National Bank of Moldova, is permanently controlled.

Simultaneously, after the lists of terrorist persons/organizations and their affiliates were distributed by the USA Embassy, and later on by the UN Security Council, in pursuance of Resolutions 1388 (2002), 1363 (2001), 1373 (2001), 1377 (2001), 1333 (2000), 1267 (1999), 1173 (1998), 1127 (1997), the NBM responded promptly, drawing bank's attention to the necessity to respect these resolutions, verifying their clients with the view of determining eventual physical and legal suspect persons in operations of money laundering and crimes, by informing NBM. The results of verified transactions made by the persons indicated in the lists through moldovan banks, if any, are transmitted to the Government, Ministry of Foreign Affairs and Information and Security Service of the Republic of Moldova.

1.3 The CTC would be content to be informed of the penalties, if any, for non-compliance by natural persons and entities with Article 4 of the Law on Money Laundering which obliges them to report suspicious transactions to Office of the General Prosecutor.

In accordance with the art. 4 of the Law on preventing and combating money laundering, organizations which carry out financial operations (banks, stock exchange, investment funds, insurance companies and institutions which offer legal, notary, book-keeping etc.) are obliged to undertake a lot of measures for fighting against money laundering. More than that they are obliged to present information about suspect financial operations to the Center for Fighting Economic Crimes and Corruption, which is responsible for enforcing the Law. At the same time, in accordance with art.10 of the same Law, if persons are encroaching upon the stipulations of this Law, they are punished in accordance with this Law.

Thus, in accordance with the Law on Center for Fighting Economic Crimes and Corruption, the latter has the right in the limits of its competence to carry out criminal investigations, to prepare prosecution reports on administrative offences, to arrest suspected offenders, to apply fines and other sanctions.

Article 243 "Money laundering" from Criminal Code stipulates that actions committed in order to hide information about nature, origin, movement, placement of money, by the persons who know that that money originated from criminal activity, then they are punished with a fine from 500 to 1,000 conventional units (USD), or get a prison sentence up to 5 years with the deprivation of the right to occupy some functions or to practice some activities for a period of time from 2 to 5 years. The same offences which are repeated or committed in an organized group are punished harder.

Concomitantly, in accordance with the art. 38 of the Law on financial institutions, if it is found that banks, their owners or their administrators have encroached upon stipulations of this Law, normative acts of National Bank of Moldova (which includes obligations to report on suspects transactions) the National Bank can pass a warning, a written order, can fine the banks and/or their administrators, can withdraw the right to carry out the respective functions, to limit the activity of the bank, etc.

After entering in force of the Law on preventing and combating money laundering and in view of executing the stipulations of art 23 of the Law on financial institutions, 16 complex controls and 15 specific controls of commercial banks were carried out by the National Bank in 2002, including 7 specific controls requested by various law enforcement institutions. Within these controls the issue of conformation of the banks activity to stipulations of the Law was examined; and that the internal control systems of banks are in accordance with the legal stipulations and their effectiveness grade in the sphere to be familiar with the clients and with their transactions and to report about the suspects operations, in view of non-admission of using banks in money laundering operations.

About the results of these inspections in the field, NBM had informed and had presented respective materials to the legal institutions in 25 cases (General Prosecutor's Office of the Republic of Moldova, the Minister of Internal Affairs, Information and Security Service).

Besides, the National Banks has the right to demand removing and applying sanctions to banks or to their administrators when some violations of the Law provisions or some drawbacks in banks activity on preventing and combating money laundering are traced. During this period the National Bank of Moldova applied sanctions and imposed different measures of remedy (attention, warning, fines, withdrawal of the right of administrators to hold respective functions, partial suspension of activity, etc) to banks in 21 cases. Afterwards, the National Bank had constantly supervised, checked on spot and certified the realization of imposed measures and removing by the banks of the drawbacks and irregularities in the sphere of preventing and combating money laundering.

1.4 Could Moldova please provide an outline of the legal and other measures available to regulate alternative money transfer agencies in Moldova.

Such measures were not taken by the National Bank, due to the fact that in accordance to the legislation in force of the Republic of Moldova, payment system is supervised and regulated by the National Bank. It doesn't exist other alternative payment systems out of the banking system on territory of the Republic of Moldova.

1.5 The CTC while nothing the reply of Moldova, at pages 3 to 5 of its supplementary report, would be grateful with a detailed outline of the provisions of the Law # 539-XV of December 2001 on combating terrorism, that are relevant to the implementation of each of the paragraphs of the Resolution. Could Moldova please outline the legal provisions they have put in place, to implement the Convention for the Suppression of Financing of Terrorism.

The Law of the Republic of Moldova # 539-XV of 12 October 2001 on combating terrorism stipulates juridical and organizational framework of activities on combating terrorism in the Republic of Moldova, the way of co-ordination of specialized structures activities in view of combating terrorism, of actions undertaken by central and local public authorities, by associations and public organization, by persons with responsible functions and by others particular persons, as well as the rights, obligations and guarantees of persons in relations with these activities.

Stipulations of the mentioned Law could be related to the provisions of the Resolution 1373 (2001) in the following way:

— par. 1 (a):

art. 2 "General Definitions", according to which the terrorist activity includes, inter alia, financing of terrorist organization or a terrorist group, as well as rendering assistance to them in other ways;

art. 5 "Objectives of the activity on combating terrorism", according to which the activity on combating terrorism has the following objectives:

a) protection of persons, society and state against terrorism;
b) prevention, discovering, interruption of terrorist activities and attenuation of its consequences;
c) tracing out and elimination of the causes and conditions of development of the terrorist activity.

— par. 1 (c):

art.8-1 "Suspension of financial operations on the indication of the authorities engaged in preliminary investigations", according to which organizations which carry out financial operations are obliged, at indication of authorized bodies engaged in preliminary investigations to freeze bank accounts, financial assets and other economical resources of persons involved in committing or attempt to commit terrorist acts, or in favoring such actions; of legal entities dependant from or directly managed by these persons; of individuals or entities which act on behalf or by indication of these persons, including means derived or generated from property owned or controlled directly or indirectly by the mentioned persons, as well as by their associates. Organizations which perform financial operations, while implementing the indication of the authorities engaged in preliminary investigations, are obliged to inform immediately the authorities about freezing of bank accounts, financial assets and other economical resources. Authorities engaged in preliminary investigations are obliged, within their mandate, to undertake urgent actions in order to investigate the case, and further inform the organization which has performed the financial operation about the decision taken.

art.24 "Responsibility of the organization for carrying out a terrorist activity", according to which if an organization is recognized as a terrorist one its goods are confiscated for the benefit of state.

— par. 1 (d):

art.22 "Responsibility for undertaking terrorist activity" in accordance with which, persons found guilty of undertaking terrorist activity are punished by the legislation in force.

— par. 2 (a):

art.2 "General Definitions" according to which the terrorist activity includes, inter alia, providing assistance to terrorists in various ways, enrolling, arming, training and making use of terrorists.

— par. 2 (d):

art.2 "General Definition" according to which the Republic of Moldova combats international terrorist activity, namely terrorists activities commited:

- by a terrorist, a group of terrorists or a terrorist organization on the territory of 2 or more states, causing damages to the interests of these states;
- by citizens of one state against citizens of another state or on the territory of another state;
- in case when both the terrorist and the victim are citizens of the same state or of different states, but the crime was committed outside of the territory of these states.

— par. 2 (f):

art.4 "International co-operation on combating terrorism", according to which the Republic of Moldova, in accordance with international treaties to which Moldova is a party, cooperates in sphere of combating terrorism with law enforcement bodies and specials services of other states, as well as with international organizations which activate in this domain.

— par. 2 (g):

art.7 "Mandate of authorities which carry out activity of combating terrorism", in accordance with which the task on interrupt the attempts of terrorists to pass the state border of the Republic of Moldova is fulfilled by Department of Border Troops.

— par. 3 (c):

art.4 "International co-operation on combating terrorism", according to which the Republic of Moldova, in accordance with international treaties to which Moldova is a party, cooperates in domain of combating terrorism with law enforcement bodies and specials services of other states, as well as with international organizations which activate in this domain.

Simultaneously, it could be stated that the other paragraphs from Resolution1373 (2001) are reflected in legislatives acts of Republic of Moldova, such as:

- Criminal Cod approved of Law # 985-XV of 18 April 2002
- Cod of Criminal Procedure approved of Law #122-XV of 14 March 2003;
- Law #1286-XV of 25 July 2002 on counteracting of extremist activities;
- Law #633-XV of 15 November 2001 on prevention and combating money laundering;
- Law #269-XIII of 9 November 1994 on exit and entrance in the Republic of Moldova;
- Law #108-XIII of 17 Mai 1994 on the state border.

In view of implementation of stipulations of the international Convention on suppression of terrorism financing in the Republic of Moldova have effect next legislative provisions:

- art. 279 from Criminal Cod "Activity on financing and material assistance provision of terrorists acts";
- art. 8-1 from Law #539-XV on 12 October 2001 on combating of terrorism "Suspension of financial operations on the indication of the authorities engaged in preliminary investigations".

1.6 In the context of the effective implementation of sub-paragraph 2 (a), please outline the legislative and regulatory controls instituted by Moldova to prevent weapons smuggling into or through Moldova. The CTC would be grateful if Moldova could describe what plans, if any, the Government of Moldova has to centralized all criminal indexes (e.g. police, customs, border).

Moldova's mechanisms on counteracting of armament smuggling are constituted in legal and normative framework, which establishes the regime of manufacturing, holding and selling of armament, as well as sanctioning of violation of this regime.

Thus, the fabrication, holding and selling of armament is regulated by the Law # 110-XIII from 18.05.94 on armaments (which regulates the regime of individual arms), the Parliament Decision #283-XIV of 17.02.99 on approval of the Regulations on the way of marketing of military equipment, armaments and other technical means, being in possession of the Armed Forces of Moldova, the Parliament Decision #161-XV of 04.04.03 on implementation of the Convention on prohibition of development, producing, stocking and use of chemical arms

and their destroying. Non-observance of these norms is sanctioned by the Criminal Code (article 143 emphasizes sanctions for using of mass destruction weapons, article 248 emphasizes sanctions for smuggling, article 290 emphasizes sanctions for carrying, keeping, procuring, fabrication, repairing and illegal selling of ammunitions and weapons).

Observance of mentioned norms at the boundaries of Moldova is in competence of the Department of Border Troops and the Customs Department, authorized with these attributions by the Law #108-XII from 17.05.94 on State Border of Moldova (article 10, line (7) which stipulate that the authorization for passing over the state border of persons, vehicles, goods and other goods stipulates effecting of border control, which consists in control of vehicles, luggage, goods and other goods with the purpose of tracing out of offending the rules on passing state border, as well as searching for narcotics substances, toxics substances, poisonous, radioactive, explosive, of harmful offal, of armaments, of explosive devices, of weapon and ammunition and other values hidden from control and banned for introducing or extracting from the state). Observance of the relevant legal and normative dispositions on the territory of Moldova is assured by the Information and Security Service, Ministry of Internal Affairs, other authorized bodies, which are tasked by the legislation and normative acts to trace out offences (minor offences) and offenders (minor offenders) and bring them to punishment.

It should be also mentioned that Moldova, besides of its internal legal and normative regulations, is part of a range of international agreements and treaties in this domain (bilateral and multilateral), observance of which is also being put in a burden of the mentioned authorized bodies.

1.7 Sub-paragraph 2 (c) of the Resolution requires States to deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens. Could Moldova please provide an outline of legal and other measures in Moldova that ensure compliance with this sub-paragraph?

The article 9, line (1), letter b) and article 15, line (1), letter b) from the Law # 1518-XV from 06.12.02 establishes the entrance interdictions in Moldova for persons connected to international terrorist organizations, illicit human being traffic, armaments and drugs dealing; for persons which represent threat to the national security, order, health or public moral; for persons which committed offences against peace, human security, other serious crimes, inclusive those of military nature, defined in internationals treaties; for persons which have unexecuted criminal records etc.

1.8 Please outline the laws and regulations governing the issuance of travel documents. How does Moldova screen employers who will have access to identity and travel documents? What measures are in place to implement Interpol Resolutions #AG-2002-RES-05 and # AG-2002-RES-06 concerning the issue of travel documents and on fraudulent travel documents? Please outline how counter-terrorist policies and activities are coordinated between the various ministries. Please provide an organogram. Have any special units been established to tackle this issue.

In accordance with art.6 from the Law on combating terrorism, coordination activities of trained authorities on combating terrorism is effectuated by the Supreme Security Council of the Republic of Moldova, members of this Committee are the President of Republic of Moldova, the Prime-Minister, the Ministries of Defense, of Internal and Foreign Affairs, the Chef of Information and Security Service of the Republic of Moldova and other highly ranking persons.

For direct leading of antiterrorist operations a special operative group is usually created, which is led, depending of the case nature, by a representative of the Information and Security Service, the Ministry of Internal Affairs, General Prosecutor's Office, State Protection and Guard Service, in function by their attributions. The operative group for leading of anti-terrorist operations, represents a body which directly conduct forces and means used in anti-terrorist operations.

The operative groups have the following basic tasks:

a) interruption of terrorist act;
b) collecting and analyzing information on operative situations and its evolution, organizers and executers of terrorist act, in order to determine its nature, proportions and consequences;
c) training and directly leading of forces and necessaries means for carrying out of antiterrorist operations;
d) negotiating with terrorists;
e) assurance of juridical regime in the zone of antiterrorist operation;
f) fulfillment of measures to minimize the consequences of terrorist act.

In composition of Information and Security Service, the Ministry of Internal Affairs, State Protection and Guard Service, the Department of Penitentiary institutions of Justice Ministry, specialized structures for combating terrorism were created.

1.9 The CTC has noted that Moldova is party to the Agreement on Cooperation by the Ministries of the Interior of CIS countries on combating terrorism and that Moldova has bilateral agreements with Turkey and Hungary on combating terrorism. Could Moldova please describe its procedures for dealing with the requests of States, from outside the CIS which have not concluded bilateral agreements with Moldova concerning criminal investigations and juridical proceeding?

International juridical framework entered in force for Moldova, which contains provisions on juridical assistance in criminal sphere, is the following:

- CIS Convention on juridical assistance and legal relations in civil, familial and penal lawsuits;
- Bilateral pacts on juridical assistance in lawsuit and trial matters, concluded between Moldova and Ukraine, Romania, Russian Federation, Lithuania, Latvia and Turkey.

These internationals instruments contain an apart chapter which regulates accordance of juridical assistance in trial matters (namely: investigation (interrogation) of parts, indictments and accused, witnesses and experts; the effectuation of examinations; judiciary investigation; searches; sequestration; transmitting and releasing of material evidences; starting/taking over of criminal pursuit, seeking for persons and their extradition for crimes committed; recognizing and executing of judicial sentences, on lawsuit action; handing and dispatching of documents; presentation of information about criminal records of accused persons; elaborating and transmitting of acts, transferring of condemned persons to criminal responsibility or punishment execution, etc.)

In the same time, it should be emphasized, that the above mentioned actions aren't stipulated integral in regulations volume of all international nominated treaties, each international pact containing adequate stipulation of a certain activity sector, applied only to the Contracting Parts.

Also, Moldova is part of the following international instruments with European vocation, which also provide accordance of international juridical assistance:

- The European Convention on juridical assistance in trail matters and additional Protocol to this Convention;
- The European Convention on extradition and those two additional Protocols to this Convention.

1.10 The CTC notes from the reply of Moldova, given at page 8 of its first report, that Moldova cannot be a party to the Convention for the Suppression of Unlawful Acts against the Safety Of Maritime Navigation and to the Rome Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platform located on the Continental Shelf, as Moldova has no access to the sea coast. However, the CTC would like to draw the attention of Moldova to the importance of these two international instruments in the fight against Terrorism. Sub-paragraph 3 (d) of the Resolution calls upon all States parties as soon as possible to the relevant international conventions and protocols relating to terrorism. The CTC would therefore appreciate knowing what action Moldova proposes taking in these regard?

After Moldova becoming a member of the International Maritime Organization on 12.12.2001, national relevant bodies are considering the opportunity of ratification of the conventions mentioned in the near future.

1.11 The CTC is aware that Moldova may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaires as part of Moldova's response to these matters as well as details of any efforts to implement international best practices, codes and standards that are relevant to the implementation of Resolution 1373.

For the purposes of this paragraph could be referred a recent national report of the Republic of Moldova, submitted pursuant to the SC resolution 1455 (2003).

2. Assistance and guidance

2.1 The CTC is eager to facilitate the provision of assistance and advice in connection with the implementation of the Resolution. The Committee would encourage Moldova to let it know if there are areas, other than those set out below, in which assistance or advice might be of benefit to Moldova in its implementation of the Resolution or of any areas in which Moldova might be in a position to offer assistance or advice to other States on the implementation of the Resolution.

Moldova is still interested in receiving any assistance and cooperation that might help ensure the optimum implementation of resolution 1373 (2001) in the country. In particular, Moldova would be interested in receiving assistance in training of personnel engaged in enforcing the laws related to compliance with the Resolution.

2.2 The CTC maintains a Directory of Information and Sources of Assistance in the field of Counter-Terrorism on which all relevant information on available assistance is posted. It can be found on the CTC's website (www.un.org/sc/ctc). The CTC's Technical Assistance Team is available to discuss any aspect of the provision of assistance and can be contacted as referred to in paragraph 3.1 below.

Relevant officers from the ministers and departments involved in counter-terrorism activity were duly informed about and have access to the Committee's web site on which all relevant information on available assistance is posted. They were encouraged to consult it in due course in order to identify assistance and cooperation mechanisms.

2.4 In view of the various legislative steps that Moldova has already taken, the CTC would advise Moldova to focus its attention on receiving assistance in training of personnel engaged in enforcing the laws related to compliance with the Resolution. As a second priority, Moldova could approach the IMF to seek their advice in regard to the adequacy of their existing laws to comply with the resolution.

The Government of Moldova is considering now ways of approaching IMF/WB in view of requesting them for assistance in combating money-laundering and terrorist financing under their relevant programmes.

2.6 The CTC notes also that its Technical Assistance Team has met with a representative of the Permanent Mission of Moldova to discuss potential sources of assistance and advice. I am pleased to inform you that the initial request for assistance submitted by the Government of Moldova has been forwarded to potential assistance-providers. The Technical Assistance Team will continue to monitor the progress of the request.

Moldova is grateful for the assistance and advice offered by the Committee in connection with the implementation of resolution 1373 (2001), as well as for promotion of the governmental request to potential assistance-providers. The Government is looking forward with a great interest to receive any proposal from these providers, which will be carefully considered.

2.7 If there are aspects of the implementation of the Resolution in relation to which the Government of Moldova believes that it could benefit from discussion with the CTC experts, it is welcome to contact them in the manner mentioned in paragraph 3.1 below.

As the Committee will note, Moldova has duly complied with all the Security Council resolutions on terrorism and is endeavoring to apply all its recommendations effectively. For the time being, therefore, the country has not felt the need for a discussion with the Committee's experts, but it does not rule out the possibility of holding such a discussion in the future and is obviously open to receiving any of the experts in the country and establishing a mutually enriching and positive dialog.

2.8 At this stage the CTC will be focusing on requests for assistance that relate to "Stage A" matters. However, the assistance to be provided by one State to another on any aspect of the implementation of the Resolution is a matter for agreement between them. The CTC would be grateful to be kept informed of any such arrangements and on their outcome.

At this stage, Moldova has not requested any assistance, but it may do so later. It also has not reached any agreements with other states on any aspect of the implementation of resolution 1373 (2001).

Lastly, the Government of Moldova wishes to express its thanks to the Committee for its efforts and reiterates its willingness to continue cooperating in the necessary areas.

United Nations S/2003/979

Security Council

Distr.: General
18 November 2003

Original: English

Letter dated 2 October 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 21 May 2003 (S/2003/593).

The Counter-Terrorism Committee has received the attached third report from the Philippines submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-59452 (E) 261103

Annex

Letter dated 2 October 2003 from the Permanent Representative of the Philippines to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your letter of 16 May 2003 concerning the questions and comments of the Counter-Terrorism Committee on the Philippine supplementary report to its initial report to the Committee, and submit herewith an advance copy of the Philippine response thereto (see enclosure).

(*Signed*) Lauro L. **Baja**, Jr.
Permanent Representative

Enclosure

THIRD REPORT

ON PHILIPPINE ACTION AND INITIATIVES AGAINST

DOMESTIC AND INTERNATIONAL TERRORISM

A report in compliance with paragraph 6 of UN Security Council Resolution 1373 (2001)

22 September 2003

I. OVERVIEW

PHILIPPINE ACTION AGAINST INTERNATIONAL TERRORISM

On 19 June 2003 in Phnom Penh, Cambodia Philippine Secretary of Foreign Affairs, Blas F. Ople took the lead in the ASEAN Regional Forum (ARF) in discussing international terrorism with ASEAN's ten dialogue partners: Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia, and the United States.

The Secretary mentioned that with regard to the Abu Sayyaf terrorist group in Southern Philippines, their strength has been downgraded to just a handful of desperate stragglers in the mountains of Sulu. "From being a terrorist lair, the island province of Basilan is now emerging as a showcase of peace and development. Basilan has been completely liberated from the Abu Sayyaf. The end of the Abu Sayyaf is near, very near." The Abu Sayaff group is believed to have links with the Jemaah Islamiyah, which has a network established throughout Southeast Asia.

As a contribution to the implementation of UNSCR 1373, the Philippines played host to the International Conference on Terrorism and Tourism Recovery, which was co-sponsored by the Departments of Foreign Affairs and Tourism and the National Security Council together with the World Tourism Organization. It was held in 8-9 November 2002 in Makati City, in the wake of the October 2002 Bali Terrorist Bombing. as a Philippine contribution to counter terrorism (CT) efforts. The Conference issued the "Makati Accord of 2002" which contains the strong resolve of all the participating countries to intensify efforts to fight the international terrorist threat.

While the escape from detention of arrested Indonesian terrorist suspect Fathur Rahman Al-Ghozi last July 2003 was a setback to Philippine CT efforts,

Philippine law enforcement authorities are intensifying their drive to locate terrorist suspects, and have improved detainee security.

Filipino nationals abroad were not spared the effects of terrorism in other countries. Mr. Ranilo Buenaventura, a UN employee, was killed in the terrorist bombing of the UN Headquarters in Baghdad on 19 August 2003.

Effects/Reactions of Terrorism in the Philippines

In November 2002, because of "unidentified but specific and credible threat" of terrorist attack, the Embassies of Australia and Canada and the European Commission Mission decided to temporarily close their offices in Metro Manila. At the same time, two Iraqi diplomats suspected of dealings with the Al-Qaeda group were declared *persona non grata* and were asked to leave the Philippines.

Terrorists masterminded a spate of bombings in Davao in the Southern Philippines in March and April 2003, claiming a total of 37 lives and causing scores of injuries.

Anti-Money Laundering – While, the Philippines remains in the list of Non-cooperative Countries and Territories (NCCT) as per the Financial Action Task Force (FATF), the Philippine Anti-Money Laundering Council (AMLC) is working closely with the FATF to bring the Philippines to compliance standards. The AMLC foresees Philippine de-listing in the near future. The Central Bank (BSP) states that the country's laws are in full compliance of the Paris-based anti-money laundering watchdog's standards and that the Philippines has enacted most, if not all legislation needed to remedy the deficiencies previously identified.

National Legislation on Terrorism - The Philippine legislature is in the process of enacting an anti-terrorism law and ratifying CT conventions. Legislative deliberations are engaged and continuing. Ratification and implementation of all the major international CT instruments is a top priority of the Philippine Government. (Note: all remaining conventions ratified as of October 2003)

II. BILATERAL COOPERATION

- The **Philippines and Australia** signed on 4 March 2003 a Memorandum of Understanding on Cooperation to Combat International Terrorism. The MOU enumerates possible areas of cooperation which include information and intelligence; money laundering and financing of international terrorism; smuggling and border control issues, illegal trafficking in weapons, ammunition, explosives; and defense cooperation relating to international terrorist activities.

- The Philippines submitted to **Indonesia** a draft Philippines-Indonesia MOU on Cooperation in Law Enforcement during the 3rd Meeting of the Philippines-Indonesia Joint Commission for Bilateral Cooperation, held in Manila on 20 and 21

December 2002. Cooperation to prevent and fight cross-border terrorist activities was also discussed during the Philippine-Indonesia Border Committee vice Chairmen's Conference held in December 2002.

- The **Philippines-Malaysia** Agreement on Anti-Smuggling, (1967) serves as the foundation for the existing Philippines-Malaysia border crossing/border patrol cooperation. At the forthcoming RP-Malaysia Joint Committee Meeting (JCM), to be held later this year, it is expected that this agreement will be intensified by new discussions regarding the implementation.

- The **Philippines-China** MOU on Cooperation in Combating Transnational Crime was signed on 30 October 2001, ratified on 18 December 2001, and entered into force on 28 May 2002. The MOU provides for a mechanism for the law enforcement agencies of both parties to cooperate in the prevention and investigation of transnational crimes. It provides for intelligence exchange, exchange of public records and documents, exchange of information on on-going cases, exchange of equipment, and personnel training.

- President Gloria Macapagal-Arroyo's visit to the **United States** in May 2003 resulted in commitments to intensify bilateral and regional CT cooperation, and a comprehensive assistance package to the Philippines for CT efforts totaling US$ 247 million.

- The **US-Agency for International Development (USAID)-Philippines** program in Mindanao "Balikatan 2002" helped citizens in conflict-affected areas to rebuild a peaceful economy and community life. This is part of the larger USAID strategy for development in the Philippines. The USAID objectives in Mindanao are focused on improved business climate and equitable economic growth. The USAID also intends to strengthen local government units; improve family planning, health and nutrition services; protect natural resources; provide electricity in remote villages through renewable energy. For the Fiscal Year 2002, USAID directed US$41 million, or more than half of its US$71 million budget, to activities in Mindanao, particularly in conflict-affected areas, and to national level initiatives that have an impact on counter-terrorism.

- The **United Kingdom's** Charity Commission for England and Wales has offered its expertise in regulating Non-Government Organizations (NGOs) with respect to possible terrorist finance, through seminars conducted in Asia, including Manila from 23-24 September 2003.

- Other countries have offered assistance to the Philippines to help in its CT efforts, including **Canada** and **Japan**.

III. REGIONAL AND MULTILATERAL COOPERATION

Association of Southeast Asian Nations (ASEAN) – Southeast Asia

Philippine-Indonesia-Malaysia Agreement

A Trilateral Agreement was signed on 07 May 2002, between the **Philippines, Indonesia and Malaysia**. This Trilateral Agreement on CT cooperation aims at information exchange and establishment of communication procedures between the three countries; it also provides for the strengthening of the chain of existing Bilateral Defense, Security and Border Cooperation Agreements; and allowing the countries to share airline passenger lists. **Cambodia** acceded to the agreement on 31 July 2002.

ASEAN Plan of Action to Combat Trans-National Crime

Under the terrorism component of the Work Program to implement the ASEAN Plan of action to combat transnational crime which was endorsed and adopted by the 2nd Senior Officials Meeting on Transnational Crime (SOMTC) held in Kuala Lumpur on 17 May 2002, the International Community can provide technical assistance and other support to ASEAN member countries in need of such in implementing UNSC 1373 in the following categories:

1. Information Exchange; Legal Matters;
2. Law Enforcement Cooperation; Training;
3. Institutional Capacity Building.

ASEAN REGIONAL FORUM (ARF)

The Philippines contributed to the formulation of the statement on measures against terrorist financing, which was issued during the 9th ARF in Brunei on 31 July 2002. The Philippines expressed its support to the proposal to establish the ARF Intersessional Meeting on Counter-terrorism and Transnational Crime (ISM ON CT-TC), as well as the issuance of the ASEAN-U.S. Joint Declaration on Cooperation to Combat International Terrorism.

The ARF resolved to:

- Explore ways to establishing linkages between ASEAN and other international agencies to further facilitate sharing of information and analysis of critical intelligence information.
- Conduct seminars/workshops to consider the feasibility of multilateral or bilateral legal arrangements to facilitate the apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure of

assets etc. in order to enhance mutual legal and administrative assistance among ASEAN member countries.

- Organize exchanges of experts to deepen cooperation among frontline enforcement agencies in combating terrorism and share best practices.
- Develop regional training/capacity programs to enhance existing capabilities in investigation, intelligence, surveillance, counter-terrorism, detection and monitoring and reporting of terrorist activities.

During the Second Annual Senior Officials Meeting on Transnational Crime (SOMTC) held in Kuala Lumpur on 16-17 May 2002 a terrorism component of the work program was adopted to implement the ASEAN Plan of Action on Transnational Crime. It includes, among others, activities for the promotion of information exchange, legal matters, law enforcement cooperation, training, institutional capacity building and regional cooperation.

The Work Program included two initiatives on terrorism raised by H.E. President Gloria Macapagal-Arroyo during the 7TH ASEAN Summit held in Brunei Darussalam in November 2001as follows:

(1) To hold a multilateral seminar game to test emergency to terrorist threats and

(2) To work on a regional operational convention or agreement to combat terrorism.

US-ASEAN Counter-Terrorism Declaration

The ASEAN-US Declaration on Terrorism signed in Brunei on 1 August 2002, contains political commitments to cooperate mainly in information exchange and training in combating terrorism.

IV. OTHER MULTILATERAL COOPERATION

ASIA-EUROPE MEETING (ASEM 4)

The 4th Asia-Europe Meeting (ASEM 4), held in Copenhagen on 23-24 September 2002 had in-depth discussions on various new security challenges, international terrorism and its possible links with transnational organized crime. The leaders adopted the **ASEM Copenhagen Declaration on Cooperation against International Terrorism** and the **ASEM Copenhagen Cooperation Programme on Fighting International Terrorism**, which included the following:

Short-term activities

- Establishment of an ad hoc informal consultative mechanism enabling ASEM Coordinators and Senior Officials to confer expeditiously on significant international events.
- An ASEM Seminar on Anti-terrorism to be held in China in 2003 to discuss how to strengthen the UN's leading role and ASEM cooperation on anti-terrorism.
- Full implementation of UN Security Council Resolution 1373 and cooperation with the UN Counterterrorism Committee, recognizing the need for providing technical assistance to third countries in order to implement this resolution.
- Early accession to and implementation of the existing international conventions and protocols on terrorism and transnational organized crime.
- Support for UN Comprehensive Convention on International Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism.
- Cooperation to facilitate early entry into force of *the UN Convention against Transnational Organized Crime* and its related protocols.

Medium-term activities

- Increasing cooperation, by enhancing customs communication networks, combating financial crime and money laundering, and improving air and maritime security, while assuring the smooth flow of goods, capital and people.
- Mutual efforts in capacity-building, enabling ASEM partners to work more closely together in fighting terrorism, implementing all UN counter-terrorism Security Council resolutions and international conventions, as well as encouraging ASEM partners to follow the recommendations of the Financial Action Task Force on Money Laundering (FATF).
- An *ASEM Symposium* on combating underground banking and the need to supervise alternate remittance service in European and Asian countries will be held in *German in September 2003*, within the context of the ASEM Anti-Money Laundering initiative.
- Enhancing cross-cultural understanding and building mutual confidence by initiating an *ASEM Dialogue on Cultures and Civilizations* (an ASEM Conference will be held in *China in June 2003*.

Long-term activities

- Advancing human resources development by building on existing ASEM educational exchange programs.
- Strengthening the Asia-Europe Foundation (ASEF), with its mandate to promote deeper understanding and greater people-to-people exchanges between Asia and Europe.

- Enhancing cooperation to promote sustainable economic development through closer partnerships in trade and investment, and building on the results of the World Summit on Sustainable Development, the International Conference on Financing for Development and the WTO Doha Development Agenda.

European Commission (EC)

The European Commission (EC), citing the ASEM Copenhagen Declaration on Cooperation against International Terrorism and the ASEM Copenhagen Cooperation Programme on Fighting International Terrorism, has offered a 1 million euro grant to the Philippines for CT assistance. The EC's assistance to the Philippines in the implementation of UNSCR 1373, or Rapid Reaction Mechanism (RRM) is envisaged to be launched in the second half of 2003.

The EC is in the process of putting together a concrete work program for the proposed 6-month mission of the RRM, A team of experts in law enforcement, financial matters, information technology and customs or immigration matters has been sent to the Philippines in order to conduct relevant training programs and help design a possible medium-term cooperation framework of EC/EU assistance to the Philippines in CT measures, in cooperation and consultation with concerned Philippine government agencies.

Certain equipment provisions and other training programs have also been proposed by the EC under the RRM, such as X-ray machines, metal detectors, search mirrors, bomb bins and bomb blankets.

Asia-Pacific Economic Cooperation (APEC)

APEC Counter-Terrorism Task Force Terms of Reference

At the October 2002 Economic Leaders meeting in Los Cabos, Mexico, leaders issued the APEC Leaders' Statement on Fighting Terrorism and Promoting Growth. Leaders pledged to fully implement the Shanghai Counter-terror Statement and agreed to ensure that APEC infrastructure in the areas of trade, finance and information systems is protected by enhancing Secure Trade in the APEC Region (STAR), halting terrorist financing and promoting cyber security. In implementing the objectives of the meeting by monitoring progress and building capacity the Senior Officials agreed to establish an APEC Counter-terrorism Task Force. Its particulars are:

Course of development of the Counter-Terrorism Action Plan

- Need for a procedural structure and coordination of the many counter-terrorism issues within APEC.

- Need for an intermediate collective focal point within APEC to coordinate and add value to such proposals before submission to Senior Officials and to oversee its implementation.
- Programs and projects aimed at enhancing national capacity-building in combating transnational crime; and support related programs and projects of the ASEAN and other international organizations.
- The global nature of the terrorist threat requires that APEC coordinate closely with other international activities and the Task Force could provide the single point of contact to facilitate such interaction.

Purpose of the Task Force

- Coordinate the implementation of the 2002 Leaders' Statement on Fighting Terrorism and Promoting Growth using the APEC Counter terrorism Action Plan as agreed in the 1st SOM in Chiang Rai, Thailand in February 2003.
- Assist economies to identify and assess counter-terrorism needs.
- Coordinate capacity building and technical assistance programs, including through consultations with international financial institutions.
- Cooperate with the international organizations to implement the Leaders Statement.
- Facilitate cooperation between APEC for a on counter-terrorism issues and assist in making recommendations on proposals/project to Senior Officials.

Specific areas to be tackled by the Task Force include protecting cargos and ships engaged in international voyages, protecting international aviation, protecting people in transit as well as halting the financing of terrorism.

It will also be active in promoting cyber security, energy security and the security of the food and water supply and other infrastructure in the APEC region.

Structure and Administration of the Task Force

- The Task Force will be managed by a Chair and Vice Chair, with support from the APEC Secretariat.
- Membership will be open to all interested member economies and a representative from the APEC Secretariat.
- The Task Force meet on the margins of the Senior Officials' meetings, commencing at the 2nd SOM in Khon Kaen, Thailand and conduct business via email intersessionally.
- The Task Force will report to the SOM and have a term of two years.

APEC Senior Officials Meeting II (SOM II)

APEC SOM II held in Chiang Rai, Thailand from 12-21 February 2003, endorsed the establishment of a Counter-Terrorism Task Force (CTTF) to coordinate the implementation of joint measures to protect key APEC infrastructure.

APEC Senior Officials Meeting III (SOM III)

APEC SOM III was held in Phuket, Thailand from 14-23 August 2003. The CTTF met and agreed on the following:

- Closer cooperation among APEC member countries, to ensure threat of terrorism will not deter APEC economies to achieve the shared goal of a free, open and prosperous APEC region.
- The CTTF can act as a bridge between donors, International Financial Institutions (IFIs) and APEC for a
- Sharing of information with the UN CTC and the G-8's Counter-Terrorism Action Group (CTAG).

Manila APEC Maritime Security Meeting

As a specific Philippine contribution to the global fight against terrorism, the Philippines hosted the APEC High Level Meeting in Maritime Security Cooperation, held in Manila from 8-9 September 2003. The Meeting (1) discussed the results of various maritime security conferences held recently in APEC economies; (2) heard country presentations on maritime security; (3) discussed the costs of terrorism; (4) explored areas of cooperation in maritime security; (5) engaged the private sector in a cooperative partnership to enhance maritime trade and security in the APEC region.

IV. DOMESTIC EFFORTS

The Government's national policy is articulated through the "14 Pillars of Policy and Action Against Terrorism" as enumerated in Memorandum Order No. 37 dated 21 October 2001.

The Department of Justice is of the view that to counter terrorism it is necessary to establish a legal framework that would intensify our commitments to international instruments related to the prevention and suppression of terrorism and recommends the following:

- Establish the necessary database on national as well as international legislation and jurisprudence on transnational crime;

- Establish strategic research centers on the structure and dynamics of transnational organized crime in all its forms; to design a comprehensive information sharing mechanism linking Philippine and foreign institutions;
- Fast-track accession and ratification of remaining international conventions on terrorism (NOTE: already done as of October 2003); support and/or initiate regional and bilateral counter-terrorism agreements when possible; and
- Closely coordinate with Philippine Congress on its draft anti-terrorism bill; prepare necessary draft enabling legislation, amendments to existing laws, executive and administrative orders and implementing rules and regulations to ensure swift implementation of said international instruments and harmonization with Philippine legal system.

Philippine Response to UNSC Resolutions

CTC follow-up to Resolution 1456

Re: Point #4 "Step up efforts to facilitate the provision of assistance by developing targets and priorities for global action" (para 5)

The Philippines envisions the need to strengthen and increase evidence and information sharing and gathering capabilities to effect strict border/immigration control, customs' cooperation, aviation security and prevention of piracy; data build up for terrorists' networks and activities by the Philippine Center on Transnational Crime (PCTC); and government to government collaboration on operations and synchronized efforts in the fight of terrorists and terrorist groups.

The Philippine National Police (PNP) expressed the need to organize training courses on intelligent gathering techniques, money laundering, financial investigation, border security and CT measures. In this manner the Philippines could also share its own experience in countering terrorism within the country.

The National Security Council Technical Working Group through an opinion survey conducted between 30 October to 5 November 2002 worked out the following definition on the terms *intelligence and counter-intelligence* as:

> ***Intelligence*** - Planning, collection, production, and dissemination of information/knowledge to proper authorities tasked to promote national interest and security.
>
> ***Counter-intelligence*** - The aspect of intelligence that is concerned with the detection and identification, prevention and neutralization of espionage, sabotage, subversion and other activities of foreign and domestic individuals, groups and other entities inimical to national security and public safety.

Philippine Action with Regard to Provisions of UNSC 1373:

Sub-Paragraph 1 (A):

Measures Taken To Prevent And Suppress The Financing Of Terrorist Acts:

Enacted and Proposed Legislation

1. ***Republic Act No. 9160*** titled the **Anti-Money Laundering Law**, took effect on 7 October 2001. - enacted in combating transnational crimes such as terrorism, money-laundering and cross-border securities fraud. It created the AMLC, which has the authority to freeze accounts and assets at banks and financial institutions.

2. ***Senate Bill No. 1980*** a proposed "Anti-Terrorism Act" authorizes inquiry into all kinds of bank deposits.

3. ***House Bill No. 3802*** another proposed "Anti-Terrorism Act"

   - Authorizes the regional trial courts *to issue freeze orders* on any deposit or similar account which is in any way related to acts of terrorism.
   - Authorizes such courts *to issue order of forfeiture of property*. The bill is still pending at the Senate.

4. ***Executive Order No. 331*** created an Inter-Agency Task Force to combat securities fraud.

5. ***House Bill No. 1458*** another draft "Anti-Terrorism Act " proposed the creation of an "Anti-Terrorism Council".

6. ***Executive Order No. 336*** reconstitutes the National Action Committee on Anti-Hijacking and Anti-Terrorism (NACAHT) as the National Council for Civil Aviation Security (NCCAS).

Subparagraph 1 (D)

The Philippines enacted on 7 March 2003 Republic Act No. 9194, which amends the Philippine Anti-Money Laundering Act of 2001. The new legislation addresses the main legal deficiencies in the Philippine anti-money laundering regime previously identified by the FATF.

Operative Paragraph 2 - Sub-paragraph (e)

Steps taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of terrorist acts.

- ***Senate Bill No. 2540*** entitled "Anti-Terrorism Act of 2003" An Act to define and penalize acts of terrorism and for other purposes.

- ***Senate Bill No. 5923*** entitled "Anti-Terrorism Act of 2003" An Act defining terrorism, providing penalties therefor and for other purposes .Substitute Bill for House Bill Nos. 3802, 4980, 4987, 5025 and 5110. The Bill describes several acts as acts of terrorism, such as causing the wanton destruction of properties through any means with the intent of disturbing public peace and order.

Subparagraph (f) Procedures and mechanism in place to assist other states.

The National Council for Civil Aviation Security (NCCAS) shall establish close coordination and cooperation with concerned agencies of countries which are vigorously opposed to international terrorism to enable the Philippine Government to actively participate in the concerted effort to secure civil aviation industry in general.

Operative Paragraph 3

Sub-Paragraph (A) Steps Taken To Intensify And Accelerate The Exchange of Operational Information

- ***Executive Order NO. 100*** (7 May 2000) issued to strengthen the operational, administrative and information support system of the Philippine Center on Transnational Crime (PCTC).

Sub-Paragraph (b) Steps Taken To Exchange Information And Cooperation

- Agreement on Information Exchange and Establishment of Communication procedures; Intelligence sharing in the Trilateral Agreement on Counter-Terrorism (Philippines, Malaysia And Indonesia – 7 May 2002.

- Office of the President Memorandum Order No. 92 (15 February 1993) The Interpol National Central Bureau for the Philippines (Interpol NCB-Manila) was reconstituted to serve the National Liaison Office and main coordination body of international police cooperation against international crime.

In order to ensure the security of its nationals abroad, the Philippines has a proposal to assign in selected Philippine diplomatic missions abroad to monitor and collect intelligence information particularly on transnational crime officers with assigned ranks of

- *Police Attache under the Philippine National Police (PNP)*
- *Political Attache/Counsellor for Security Matters under the Department of Interior and Local Government (DILG)*

Sub-paragraph (c) Steps taken to cooperate

1. **Trilateral Agreement** (Philippines, Malaysia and Indonesia) of 7 May 2002, includes provisions to strengthen border controls and allow the countries to share airline passenger lists;
2. ***Batas Pambansa Blg. 39*** (7 September 1979) – An Act Regulating the Activities and Requiring the Registration of Foreign Agents in the Philippines or "Foreign Agents Act of 1979". Enacted for reasons of national security and interest to regulate the activities of foreign agents and to require them to register and to disclose their political activities in the Philippines in order to identify and appraise their statements and actions;
3. **Revised Administrative Code (RAC)** Sec. 897 – provides for the annual inspection of firearms held under license and to report any violation;
4. **RAC** Sec. 878 - Unlawful manufacture, dealing in, acquisition, disposition, or possession of firearms, parts of firearms, or ammunition thereof or instruments or implements used or intended to be used in the manufacture of firearms and ammunition;
5. **RAC** Sec 883 – License required for manufacturer or dealer in firearms.
6. **Standard Operating Procedure No. 4** – Control and supervision of the importation, sale and possession and use of explosives dated 19 April 1991;
7. **Standard Operating Procedure No. 13** – Licensing of Firearms dated 19 September 1991;
8. Memorandum of The Secretary Of Interior And Local Government recommending the phase-out of the use/manufacture or sale of *paltik* (home made) firearms;
9. **PNP Circular No. 5** – Disposition of captured, confiscated, surrendered and deposited firearms, ammunition and explosives, dated 05 September 1994;
10. **Executive Order 110** – Directing the PNP to support the Armed Forces of the Philippines (AFP) in internal security operations for the suppression of insurgency and other serious threats to national security, dated 15 June 1991;
11. **Executive Order 145** – Amending EO No. 386 dated 19 December 1989, Establishing a National Crime Information System (NCIS), Providing the mechanisms therefore and other similar purposes, dated 27 August 1999.

V. INTERNATIONAL TREATIES / CONVENTIONS / PROTOCOLS

The Philippines has signed ten (10) Extradition Treaties with countries such as Australia, Canada, China, Hong Kong, Indonesia, and Republic of Korea, Micronesia, Switzerland, Thailand and the United States.

The Department of Foreign Affairs had obtained the concurrence of the various government agencies concerned in order to fast-track the ratification of the pending conventions on terrorism in the Philippine Senate. They were approved by the Senate

Committee on Foreign Relations in September 2003, and have been forwarded to the Senate Plenary for final ratification. **(NOTE: They were finally ratified in October 2003)** The agreements include:

1. **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation**

2. **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf**

3. **Suppression of the Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation***

4. **Convention on the Markings of Plastic Explosives for the Purpose of Detection**

5. **International Convention for the Suppression of Terrorist Bombings**

6. **International convention for the Suppression of the Financing of Terrorism**